

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

• BLACK BORDERS

- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



ATTORNEY DOCKET NO. 293.000218US

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE**

Applicant: ENGELHARDT, Johann et al.

Examiner: NGUYEN, Thong Q.

Serial No.: 09/600,208

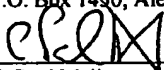
Art Unit: 2872

Filed: July 12, 2000

For: OPTICAL ARRANGEMENT IN
THE ILLUMINATION BEAM
PATH OF A MICROSCOPE

Certificate of Mailing

I certify that this Brief on Appeal is being deposited on February 24, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to Mail Stop Appeal Brief- Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


C. Paul Maliszewski
Registration No. 51,990

SUBSTITUTE BRIEF ON APPEAL

(37 C.F.R. §1.192)

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Sir:

This Substitute Brief on Appeal is filed in reply to the Notification of Non-Compliance with 37 CFR 1.192(c) mailed January 26, 2004. The aforementioned Notification of Non-Compliance was issued in response to a Brief on Appeal filed November 18, 2003. The November 18, 2003 filing also included a \$330.00 filing fee for the aforementioned Brief on Appeal. A copy of the aforementioned Notification of Non-Compliance is attached.

Applicants respectively appeal the decision of the Examiner to finally reject Claims 17, 22, 23, 25, 28, 29, and 32-39, as set forth in the final Office Action of April 14, 2003.

REAL PARTY IN INTEREST

The Real Party in Interest in this matter is Leica Microsystems Heidelberg GmbH, assignee.

03/01/2004 HJUNG1 00000114-500822 09600208

01 FC:1402 330.00-DA

Adjustment date: 07/06/2004 EEXUBAY1
03/01/2004 HJUNG1 00000114-500822 09600208
01 FC:1402 330.00 CR

Socket No.

293.000218 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: **ENGELHARDT, Johann et al**

Examiner: Nguyen, Thong Q.

Serial No: **09/600,208**

Group Art Unit: 2872

Filing Date: **July 12, 2000**For: **OPTICAL ARRANGEMENT IN THE ILLUMINATION BEAM PATH OF
A MICROSCOPE**

Customer No. 24041

I certify that this Request is being facsimile
transmitted to the United States Patent and Trademark
Office in accordance with 37 CFR §1.8 to Facsimile Number
(703)308-5077 on June 17, 2004

C. Paul Malazewski
C. Paul Malazewski, Reg. No. 51,990

REQUEST FOR REFUND**Mail Stop 16**

Director of the U.S. Patent and Trademark Office

United States Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sirs:

This is a request for refund of an erroneous charge which appears on our March 2004
Deposit Account Statement dated 3-31-04 for the above-identified U.S. Patent Application.

Attached is a copy of our Deposit Account statement for April 2004 showing the amount
questioned circled in black marker (date posted is 3/1/04).

As you can see from the Deposit Account Statement, we were charged for an Appeal
Brief filing fee (FEE CODE 1402). We filed a Substitute Appeal Brief on February 24, 2004.

Page Two
Request for Refund
U.S. Serial No. 09/600,208
Attorney Docket No. 293.000218US
Sent via facsimile to: (703)308-5077
June 17, 2004

However, the Appeal Brief filing fee was previously paid on November 18, 2003, when we filed the original Appeal Brief. The fee was paid with our check number 10018. Enclosed is a copy of the front and back of our cancelled check, as well as a copy of our acknowledgement postcard.

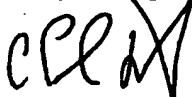
A Substitute Appeal Brief was filed on February 24, 2004 because our November 18, 2003, Appeal Brief was determined by the Patent Office to be "non-compliant." We do not believe that we should have to pay the Appeal Brief filing fee again, for re-filing the same type of document with some corrections on it.

Therefore, please proceed to credit our Deposit Account No. 500822 in the total amount of \$330.00 to rectify this erroneous charge for filing a Substitute Appeal Brief.

If anything further is needed, please advise.

Dated: June 17, 2004

Respectfully submitted,



C. Paul Maliszewski
Registration No. 51,990
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221
Telephone: (716) 626-1564
Facsimile: (716) 626-0366

CPM/ELS
Enclosures

Deposit Account Statement

Page 1 of 1


**United States
Patent and
Trademark Office**
Deposit Account Statement

Requested Statement Month:

March 2004

Deposit Account Number:

500822

Name:

SIMPSON & SIMPSON, PLLC

Attention:

ELAINE L. SCHWARTZ

Address:

5555 MAIN STREET

City:

WILLIAMSVILLE

State:

NY

Zip:

14221

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|------|--------------------|---------------------------|-------------|-------------|------------|
| 03/01 | 157 | 09800208 | 293.000218US | 1402 | \$330.00 | \$3,835.00 |
| 03/02 | 196 | 10885689 | | 8021 | \$40.00 | \$3,795.00 |
| 03/02 | 235 | 78316940 | | 8521 | \$40.00 | \$3,755.00 |
| 03/03 | 56 | 10898506 | LEAP:128US | 8021 | \$40.00 | \$3,715.00 |
| 03/03 | 139 | 10471644 | WSP218US | 8021 | \$40.00 | \$3,675.00 |
| 03/04 | 71 | 10773952 | | 8021 | \$40.00 | \$3,635.00 |
| 03/05 | 16 | 78319939 | 088.AGZT:101 US | 8521 | \$40.00 | \$3,595.00 |
| 03/09 | 11 | 10728530 | LWEP:104AUS | 1203 | \$290.00 | \$3,305.00 |
| 03/12 | 75 | | 1228.HBP115US | 8007 | \$20.00 | \$3,285.00 |
| 03/15 | 238 | 10489150 | NTAP:103US | 2613 | \$30.00 | \$3,255.00 |
| 03/18 | 582 | 78316939 | 088AGZT101US | 8521 | \$40.00 | \$3,215.00 |
| 03/23 | 129 | E-REPLENISHMENT | | 9203 | -\$5,000.00 | \$8,215.00 |
| 03/24 | 178 | | 298LEAP124US | 8007 | \$20.00 | \$8,195.00 |
| 03/25 | 1228 | 10483446 | WSP221US | 8021 | \$40.00 | \$8,155.00 |
| 03/26 | 1 | 10113986 | AGZP:102AUS | 2252 | \$210.00 | \$7,945.00 |
| 03/26 | 402 | 10696840 | WSP219US | 8021 | \$40.00 | \$7,905.00 |
| 03/30 | 276 | 10762927 | MPIP: 101US | 8021 | \$40.00 | \$7,865.00 |
| 03/30 | 277 | 60488337 | MPIP: 101US | 8021 | \$40.00 | \$7,825.00 |
| 03/31 | 51 | 10811344 | | 9204 | -\$40.00 | \$7,865.00 |

START
BALANCE
\$4,165.00

SUM OF
CHARGES
\$1,340.00

SUM OF
REPLENISH
BALANCE
\$5,040.00

END
BALANCE
\$7,865.00

[Need Help?](#) | [Return to USPTO Home Page](#) | [Return to Finance Online Shopping](#)

SIMPSON & SIMPSON, PLLC
5599 MAIN STREET
WILLIAMSVILLE, NY 14221



10018

11/18/2003

PAY TO THE
ORDER OF Director- U.S. Patent & Trademark Office

\$ **440.00

Four Hundred Forty and 00/100 ***** DOLLARS

US Pat. Appln No. 09/600,208
Brief on Appeal and One-Month
Extension of Time fees
MEMO: 293.000218US

Edward Tracy

⑈010018⑈ ⑈022000020⑈ 716905558⑈

⑈0000044000⑈

ULTRAVIOLET FEATURES: MICRO PRINT, COLOR & TEXTURE BORDERLINE, COLOURED PATTERN, ANTI-FORGE WATERMARK ON REVERSE SIDE, Hologram - MISSING FEATURE INDICATES A COPY

- back of check -

0213-0560-1
11250003
ENT-1145 TRC-1150 PK-15
23511046

NOV 24 03

PATENT AND TRADEMARK OFFICE
12-10-001
11-21-002
FOR CREDIT TO THE
U.S. TREASURY

0269 \$9673

220000020
FARMY BANK, P.E.G.
MC BANK USA 11/25/03
400610849

M531011214 088T #2977
2501 WOOTEN BLVD PK7030
WILSON NC 27893 11250003
3100910851

EWT

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Johann Engelhardt and Heinrich Ulrich
U.S. Patent Application No. 09/800,208

For: OPTICAL ARRANGEMENT IN THE ILLUMINATION BEAM PATH OF A
MICROSCOPE

Examiner: Thong Q. Nguyen
Group Art Unit: 2872

Transmitted herewith is:

- (1) Combined Notice of Appeal and Petition for Extension of Time (Late Fee)
- (1) Certificate of Mailing by First Class Mail
- (1) Check in the Amount of \$430.00 Filing Fee (\$320.00 for Notice of Appeal and \$110.00 for a One Month Extension Fee)
- (1) Postcard for Acknowledgment

Attorney Docket No.: 293.000216US Customer No. 24041

RECEIVED**SIMPSON & SIMPSON**

DK*
8/27/03

SIMPSON & SIMPSON, PLLC

WILLIAMSBURG, NY 14221 USA

TELEPHONE (716) 626-1564

FACSIMILE (716) 626-0366

WWW.DEALAWYERS.COM

FACSIMILE COVER SHEET

To: Refunds Branch, Mail Stop 16
Director of the US Patent and Trademark Office

Fax #: 703-308-5077

From: C. Paul Maliszewski, Reg. No. 51,990

Date: June 17, 2004

Our Ref. No.: 293.000218US
U.S. Patent Appln. Serial No. 09/600,208

Pages: 7 (including cover sheet)

Message:

I certify that this Refund Request is being facsimile transmitted to the United States Patent and Trademark Office in accordance with 37 CFR §1.8 to Facsimile Number 703-308-5077 on June 17, 2004.


C. Paul Maliszewski, Reg. No. 51,900

Please see attached.

cc: E. Schwartz, Accounts Manager

IMPORTANT NOTICE

The accompanying message is intended only for the use of the individual or entity to which it is addressed and may represent an attorney-client communication or otherwise contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any duplication or distribution of this communication is unauthorized and prohibited. If you have received this communication in error, please notify us immediately by telephone and return the entire communication to us at the above address by mail at our expense.

If any part of this fax transmission is missing or not clearly received, please call and ask for Kathy at (716) 626-1564.